

Application No.: 10/689200  
Docket No.: CL1747USNA

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**REMARKS**

Claims 1-40 are in the case. The claims have been made subject to a requirement to restrict. The Examiner has determined that there are 24 separate and distinct inventions. In relevant part the Examiner has taken the position that Group VII encompassing claims 15, 16 and 19 are drawn to an isolated nucleic acid molecule encoding SEQ ID NO:2 i.e. *nrtA*, classified in class 536, subclass 23.1.

Election of claims is required under 37 CFR 1.143

Accordingly Applicants hereby elect Group VII encompassing Claims 15, 16 and 19 without traverse.

As the elected claims either depend from or contain all the limitations of other process claims not elected, and thus are subject to possible rejoinder upon allowance of the product claims under 37 CFR 1.104, these claims are withdrawn but not canceled and Applicants reserve the right to have these claims examined upon allowance of the relevant product claims.


Claims 15, 16 and 19 have been amended to remove non-elected subject matter and more clearly define Applicants' invention.. Basis for the amendment of claim 19 is found on page 26, line 35 of the specification.

The above Election of Claims and species and cancellation of Claims does not alter the inventorship of the application.

Applicants reserve the right to file a divisional application to the non-elected matter. In making this election Applicants make no representations or admissions regarding the reasoning employed by the Examiner in support of the restriction.

Should there be any fee due in connection with the filing of this Response To Restriction Requirement please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

  
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